

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 197
100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Offered February 20, 2019.

Senate Substitute adopted, February 20, 2019.

Taken up for Perfection February 20, 2019. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

1202S.03P

AN ACT

To repeal sections 311.198 and 311.300, RSMo, and to enact in lieu thereof two new sections relating to intoxicating liquor.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 311.198 and 311.300, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 311.198 and 311.300, to
3 read as follows:

311.198. 1. Notwithstanding any other provision of law, rule, or
2 regulation to the contrary, a brewer may lease to the retail licensee and the retail
3 licensee may accept portable refrigeration units at a total lease value equal to the
4 cost of the unit to the brewer plus two percent of the total lease value as of the
5 execution of the lease. Such portable refrigeration units shall remain the
6 property of the brewer. The brewer may also enter into lease agreements with
7 wholesalers, who may enter into sublease agreements with retail licensees in
8 which the value contained in the sublease is equal to the unit cost to the brewer
9 plus two percent of the total lease value as of the execution of the lease. If the
10 lease agreement is with a wholesaler, the portable refrigeration units shall
11 become the property of the wholesaler at the end of the lease period, which is to
12 be defined between the brewer and the wholesaler. A wholesaler may not directly
13 or indirectly fund the cost or maintenance of the portable refrigeration

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 units. Brewers shall be responsible for maintaining adequate records of retailer
15 payments to be able to verify fulfillment of lease agreements. No portable
16 refrigeration unit may exceed forty cubic feet in storage space. A brewer may
17 lease, or wholesaler may sublease, not more than one portable refrigeration unit
18 per retail location. Such portable refrigeration unit may bear in a conspicuous
19 manner substantial advertising matter about a product or products of the brewer
20 and shall be visible to consumers inside the retail outlet. Notwithstanding any
21 other provision of law, rule, regulation, or lease to the contrary, the retail licensee
22 is hereby authorized to stock, display, and sell any product in and from the
23 portable refrigeration units. No dispensing equipment shall be attached to a
24 leased portable refrigeration unit, and no beer, wine, or intoxicating liquor shall
25 be dispensed directly from a leased portable refrigeration unit. Any brewer or
26 wholesaler that provides portable refrigeration units shall within thirty days
27 thereafter notify the division of alcohol and tobacco control on forms designated
28 by the division of the location, lease terms, and total cubic storage space of the
29 units. The division is hereby given authority, including rulemaking authority, to
30 enforce this section and to ensure compliance by having access to and copies of
31 lease, payment, and portable refrigeration unit records and information.

32 2. Any lease or sublease executed under this section shall not exceed five
33 years in duration and shall not contain any provision allowing for or requiring
34 the automatic renewal of the lease or sublease.

35 3. Any rule or portion of a rule, as that term is defined in section 536.010,
36 that is created under the authority delegated in this section shall become effective
37 only if it complies with and is subject to all of the provisions of chapter 536 and,
38 if applicable, section 536.028. This section and chapter 536 are nonseverable and
39 if any of the powers vested with the general assembly pursuant to chapter 536 to
40 review, to delay the effective date, or to disapprove and annul a rule are
41 subsequently held unconstitutional, then the grant of rulemaking authority and
42 any rule proposed or adopted after January 1, 2017, shall be invalid and void.

43 4. This section shall expire on January 1, [2020] **2026**. Any lease or
44 sublease executed under this section prior to January 1, [2020] **2026**, shall
45 remain in effect until the expiration of such lease or sublease.

311.300. 1. Except as provided in [subsections 2, 3 and 4 of] this section,
2 no person under the age of twenty-one years shall sell or assist in the sale or
3 dispensing of intoxicating liquor.

4 2. In any place of business licensed in accordance with section 311.200,

5 persons at least eighteen years of age may stock, arrange displays, operate the
6 cash register or scanner connected to a cash register and accept payment for, and
7 sack for carryout, intoxicating liquor. Delivery of intoxicating liquor away from
8 the licensed business premises cannot be performed by anyone under the age of
9 twenty-one years. Any licensee who employs any person under the age of
10 twenty-one years, as authorized by this subsection, shall, when at least fifty
11 percent of the licensee's gross sales does not consist of nonalcoholic sales, have
12 an employee twenty-one years of age or older on the licensed premises during all
13 hours of operation.

14 3. In any distillery, warehouse, wholesale distributorship, or similar place
15 of business which stores or distributes intoxicating liquor but which does not sell
16 intoxicating liquor at retail, persons at least eighteen years of age may be
17 employed and their duties may include the handling of intoxicating liquor for all
18 purposes except consumption, sale at retail, or dispensing for consumption or sale
19 at retail.

20 4. Any wholesaler licensed pursuant to this chapter may employ persons
21 of at least eighteen years of age to:

22 (1) Rotate, stock and arrange displays at retail establishments licensed
23 to sell intoxicating liquor; **and**

24 (2) **Unload delivery vehicles and transfer intoxicating liquor into**
25 **retail licensed premises if such persons are supervised by a delivery**
26 **vehicle driver who is twenty-one years of age or older.**

27 [4.] 5. Persons eighteen years of age or older may, when acting in the
28 capacity of a waiter or waitress, accept payment for or serve intoxicating liquor
29 in places of business which sell food for consumption on the premises if at least
30 fifty percent of all sales in those places consists of food; provided that nothing in
31 this section shall authorize persons under twenty-one years of age to mix or serve
32 across the bar intoxicating beverages.

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